

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 ROBERT C. ADAMS,

13 Defendant.

CASE NO. CR14-0181-JCC

ORDER

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15 This matter comes before the Court on Defendant's motion for compassionate release
16 pursuant to 18 U.S.C. § 3582(c)(1)(A) (Dkt. No. 179). Having thoroughly considered the parties'
17 briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS
18 the Government's motion to file overlength briefs (Dkt. 184), GRANTS the Government's
19 motion to seal (Dkt. No. 186), and DENIES Defendant's motion for compassionate release (Dkt.
20 No. 179) for the reasons explained herein.

21 **I. BACKGROUND**

22 In January 2015, Defendant pleaded guilty to one count of conspiracy to commit bank
23 robbery and 10 counts of bank robbery. (*See* Dkt. No. 53 at 1, 63 at 1.) On May 5, 2015, the
24 Court sentenced Defendant to 120 months of incarceration followed by three years of supervised
25 release. (*See* Dkt. No. 82.) Defendant now moves *pro se* for compassionate release pursuant to
26 18 U.S.C. § 3582(c)(1)(A), arguing that he is particularly vulnerable to serious complications

1 from COVID-19 due to his obesity. (See Dkt. No. 179 at 4–6.)

2 **II. DISCUSSION**

3 **A. Motion for Compassionate Release**

4 18 U.S.C. § 3582(c)(1)(A) allows a court to reduce a term of imprisonment if
 5 “extraordinary and compelling reasons warrant such a reduction” and “such a reduction is
 6 consistent with applicable policy statements issued by the Sentencing Commission.” The
 7 Sentencing Commission’s relevant policy statement, in turn, says that a court may reduce a term
 8 of imprisonment if “the defendant is not a danger to the safety of any other person or to the
 9 community” and “extraordinary and compelling reasons warrant such a reduction.” United States
 10 Sentencing Guidelines (“U.S.S.G.”) § 1B1.13. The policy statement also directs a court to
 11 consider the factors set forth in 18 U.S.C. § 3553(a) in deciding whether compassionate release is
 12 appropriate. U.S.S.G. § 1B1.13 cmt. n.4. Taken together, the policy statement and 18 U.S.C.
 13 § 3582(c)(1)(A) create a three-step process for ruling on a motion for compassionate release: the
 14 court must first decide whether “extraordinary and compelling reasons warrant . . . a reduction
 15 [in the defendant’s sentence],” then determine whether “the defendant is . . . a danger to the
 16 safety of any other person or to the community,” and finally assess whether a reduction in the
 17 defendant’s sentence is consistent with the factors set forth in 18 U.S.C. § 3553(a). *See* 18 U.S.C.
 18 § 3582(c)(1)(A); U.S.S.G. § 1B1.13.

19 *1. Extraordinary and Compelling Reasons for Release*

20 A court may reduce a defendant’s sentence if it finds that extraordinary and compelling
 21 reasons exist, such as the defendant “suffering from a serious physical or medical condition . . .
 22 that substantially diminishes the ability of the defendant to provide self-care within the
 23 environment of a correctional facility and from which he or she is not expected to recover.” 18
 24 U.S.C. § 3582(c)(1)(A); U.S.S.G. § 1B1.13 (2019); U.S.S.G. § 1B1.13 cmt. n.1; *see* U.S. Dep’t
 25 of Justice, Fed. Bureau of Prisons, Compassionate Release/Reduction in Sentence: Procedures
 26

1 for Implementation of 18 U.S.C. §§ 3582 and 4205(g) (Jan. 17, 2019).¹

2 Here, Defendant argues that compassionate release is warranted because he is obese and
 3 is therefore particularly susceptible to serious complications if he contracts COVID-19. (*See* Dkt.
 4 No. 179 at 4–6.)² In its response to Defendant’s motion, the Government “now takes the position
 5 that [Defendant’s obesity] satisfies the ‘extraordinary and compelling’ reason as it will diminish
 6 the Adams’ [sic] ability for self-care within the institution because of COVID-19.” (Dkt. No. 185
 7 at 16.) Assuming without deciding that obesity may constitute extraordinary and compelling
 8 circumstances within the meaning of U.S.S.G. § 1B1.13 cmt. n.1, the Court finds that Defendant
 9 has identified extraordinary and compelling circumstances that justify a reduction in his sentence
 10 pursuant to 18 U.S.C. § 3582(c)(1)(A).

11 2. *Danger to the Safety of Any Other Person or to the Community*

12 In determining whether a defendant presents a danger to the safety of any other person or
 13 to the community, the court looks to the nature and circumstances of the defendant’s underlying
 14 offense, the weight of evidence against him, his history and characteristics, and the nature and
 15 seriousness of the danger his release would pose to any person or the community. *See* U.S.S.G.
 16 § 1B1.13(2); 18 U.S.C. § 3142(g).

17 Defendant’s underlying criminal conduct was serious. Defendant engaged in a series of
 18 bank robberies in a short period of time to support his substance abuse habit. (*See* Dkt. Nos. 79 at
 19 1–12, 80 at 4–5.) Notably, several the robberies were performed by juveniles at the behest of
 20 Defendant and his co-Defendants. (*See* Dkt. Nos. 79 at 4–8, 80 at 5.) Two of the juveniles
 21 described Defendant’s role in directing the robberies. (*See* Dkt. No. 79 at 9–10.) Moreover,

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 23 ¹ Defendant’s motion does not implicate the other grounds on which a court may find
 24 extraordinary and compelling circumstances under U.S.S.G. § 1B1.13. *See* U.S.S.G. § 1B1.13
 cmt. n.1; (*see generally* Dkt. No. 179).

25 ² Defendant previously stated that he suffers from diabetes in a request for compassionate
 26 release filed with the warden of his facility, (*see* Dkt. No. 179 at 11), but that assertion is not
 supported by Defendant’s medical records, (*see generally* Dkt. Nos. 187-1–187-3).

1 Defendant's criminal history is substantial and includes convictions for burglary and drug-related
 2 offenses. (*See id.* at 15–16; Dkt. No. 70 at 14–21.) Finally, while Defendant argues that he has
 3 educated himself and addressed his substance abuse issues while incarcerated, (*see* Dkt. No. 179
 4 at 4), his substantial list of infractions while incarcerated includes assault and possession of
 5 drugs or alcohol, (*see generally* Dkt. No. 185-3). Thus, the volume of Defendant's bank
 6 robberies in a condensed span of time, Defendant's willingness to make juveniles engage in
 7 serious criminal conduct to support his substance abuse habit, Defendant's expansive criminal
 8 history, and Defendant's conduct while incarcerated indicate that Defendant would pose a danger
 9 to the safety of the community if released. *See* U.S.S.G. § 1B1.13(2); 18 U.S.C. § 3142(g).

10 **3. 18 U.S.C. § 3553(a) Factors**

11 In determining whether to grant a defendant compassionate release under 18 U.S.C.
 12 § 3582(c)(1)(A), the court must also consider any relevant factors set forth in 18 U.S.C.
 13 § 3553(a). *See* U.S.S.G. § 1B1.13. These factors include the nature and circumstances of the
 14 underlying offense, the need for the sentence imposed, the kinds of sentences available, the
 15 applicable sentencing range, pertinent policy statements, avoidance of sentencing disparities, and
 16 the need to provide victims with restitution. *See* 18 U.S.C. § 3553(a).

17 As discussed above, Defendant's underlying criminal conduct was serious and
 18 demonstrated his disregard for the well-being of both his victims and the juveniles he used.
 19 Therefore, the substantial sentence imposed by the Court was necessary to adequately address
 20 the nature of Defendant's underlying conduct. Thus, the Court finds that the factors set forth in
 21 18 U.S.C. § 3553(a) weigh against granting Defendant's request for compassionate release. *See*
 22 U.S.S.G. § 1B1.13.

23 **B. Motion to Seal**

24 The Government moves to maintain under seal several exhibits to its response to
 25 Defendant's motion for compassionate release, arguing that they contain personal information
 26 that should not be made available to the public. (*See* Dkt. No. 186 at 1.) The Court starts from

1 the position that “[t]here is a strong presumption of public access to [its] files.” W.D. Wash.
2 Local Civ. R. 5(g)(3); *see also Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978).
3 However, a particularized showing of good cause will suffice to warrant sealing discovery
4 documents attached to non-dispositive motions. *Kamakana v. City and Cnty. of Honolulu*, 447
5 F.3d 1172, 1180 (9th Cir. 2006). Here, the exhibits at issue concern Defendant’s health records.
6 Defendant’s strong interest in maintaining the confidentiality of such records outweighs the
7 public’s interest in their disclosure. Accordingly, the Court finds good cause and GRANTS the
8 Government’s motion.

9 **III. CONCLUSION**

10 For the foregoing reasons, Defendant’s motion for compassionate release (Dkt. No. 179)
11 is DENIED. The Government’s motion for leave to file overlength briefs (Dkt. No. 184) and
12 motion to seal (Dkt. No. 186) are GRANTED. The Clerk is DIRECTED to maintain Docket
13 Numbers 187, 187-1, 187-2, and 187-3 under seal until further order of the Court.

14 DATED this 22nd day of July 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE